

WYOMING  
ACT OF ADMISSION

An Act to Provide for the Admission of the State of Wyoming into the Union,  
and for Other Purposes

(Approved July 10, 1890, Statutes are Large 222, Ch. 664)

**§ 1. Wyoming admitted as a state; constitution ratified.**

Whereas, the people of the territory of Wyoming did, on the 30th day of September, 1889, by a convention of delegates called and assembled for that purpose, form for themselves a constitution, which constitution was ratified and adopted by the people of said territory at the election held therefor on the first Tuesday in November, 1889, which constitution is republican in form and is in conformity with the constitution of the United States; and

Whereas, said convention and the people of the said territory have asked the admission of said territory into the union of states on an equal footing with the original states in all respects whatever, therefore,

Be it enacted, etc., that the State of Wyoming is hereby declared to be a state of the United States of America, and is hereby declared admitted into the union on an equal footing with the original states in all respects whatever; and that the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

**§ 2. Boundaries; limitations as to Yellowstone National Park; federal jurisdiction in Yellowstone National Park.**

The said state shall consist of all the territory included within the following boundaries, to-wit: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude and running thence west to the thirty-fourth meridian of west longitude; thence south to the forty-first degree of north latitude; thence east to the twenty-seventh meridian of west longitude; and thence north to the place of beginning. Provided, that nothing in this act contained shall repeal or affect any act of congress relating to the Yellowstone National Park, or the reservation of the park as now defined, or any may be hereafter defined or extended, or the power of the United States over it; and nothing contained in this act shall interfere with the right and ownership of the United States in said park and reservation as it now is or may hereafter be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said park of civil and criminal process lawfully issued by the authority of said state; and the said state shall not be entitled to select indemnity school lands for the sixteenth and thirty-sixth sections that may be in said park reservation as the same is now defined or may be hereafter defined.

**§ 4. School lands granted.**

Sections numbered 16 and 36 in every township of said proposed state, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter-section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said state for the support of common schools, such indemnity lands to be selected within said state in such manner as the legislature may provide, with the approval of the secretary of the interior; provided, that section 6 of the act of congress of August 9, 1888, entitled "An act to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes," shall apply to the school and university indemnity lands of the said State of Wyoming so far as applicable.

**§ 5. Sale or lease of school lands; immunity from entry under land laws.**

All lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for mineral, grazing, agricultural, or other purposes, provided that the term of agricultural and grazing leases shall not exceed 10 years; and such land shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

#### **§ 7. Common school fund.**

Five per cent of the proceeds of the sales of public lands lying within said state shall be sold by the United States subsequent to the admission of said state into the union, after deducting all the expenses incident to the same, shall be paid to the said state, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said state.

#### **§ 8. University lands; university fund; state control of schools; certain institutions not to be supported by sales of school lands; fish hatchery land transferred to state.**

The lands granted to the Territory of Wyoming by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming, for university purposes," are hereby vested in the State of Wyoming, to the extent of the full quantity of 72 sections to said state, and any portion of said lands that may not have been selected by said Territory of Wyoming may be selected by the said state; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said state, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under exclusive control of said state, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of May 28, 1888, to the Territory of Wyoming for a fish hatchery and other public purposes shall, upon the admission of said State of Wyoming into the union, become the property of said state.

#### **§ 9. Laramie City penitentiary granted to state.**

The penitentiary at Laramie City, Wyo., and all lands connected therewith and set apart and reserved therefor, and the personal property of the United States, now being in the Territory of Wyoming, and which has been in use in the said territory in the administration of the territorial government, including books and records, and the property used at the constitutional convention, which convened at Cheyenne in the month of September, eighteen hundred and eighty-nine, are hereby granted and donated, and unexpended appropriations of money therefor, are hereby granted and donated to the State of Wyoming.

#### **§. 10. Lands for agricultural college.**

Ninety thousand acres of land, to be selected and located as provided in section 4 of this act, are hereby granted to said state for the use and support of an agricultural college in said state, as provided in the acts of congress making donations of lands for such purpose.

#### **§ 11. Federal land grants for certain purposes.**

In lieu of the grant of land for the purpose of internal improvement made to new states by the eighth section of act of September 4, 1841, which section is hereby repealed as to the State of Wyoming, and in lieu of any claim or demand by the said state under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain states, which grant it is hereby declared is not extended to the State of Wyoming, and in lieu of any grant of saline lands to said state, the following grants of land are hereby made, to-wit:

To the State of Wyoming: For the establishment and maintenance and support in the said state the insane asylum in Uinta County 30,000 acres; for the penal, reform or educational institution in course of construction in Carbon County, 30,000 acres; for the penitentiary in Albany County, 30,000 acres; for

the fish hatchery in Albany County, 5,000 acres; for the deaf, dumb and blind asylum in Laramie County, 30,000 acres; for the poor farm in Fremont County, 10,000 acres; for a hospital for miners who shall become disabled or incapacitated to labor, while working in the mines of the state, 90,000 acres; for public buildings at the capital of the state, in addition to those hereinbefore granted for that purpose, 75,000 acres; for state, charitable, educational, penal and reformatory institutions, 260,000 acres; making a total of 500,000 acres; Provided, that none of the lands granted by this act shall be sold for less than ten dollars per acre.

**§ 12. Further land grants prohibited except for specific purposes.**

The state of Wyoming shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act; and the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the legislature of the state may provide.

**§ 13. Mineral lands exempt; lands in lieu thereof.**

All mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any sub-division or portion of any smallest sub-division thereof in any township, shall be found by the department, of the interior to be mineral lands, said state is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said state in lieu thereof, for the use and the benefit of the common schools of said state.

**Mineral character of lands unknown at time of admissions.** – The provisions of this section exempting “mineral lands” from the school land grants do not apply where at the time of the admission of Wyoming the mineral character of the lands was not known. The established law is that in the

construction of such grants the mineral or nonmineral character is to be determined by the known presence of valuable minerals on the effective date of the grant. Wyoming v. Udall, 879 F.2d 635 (10<sup>th</sup> Cir.), cert. denied, 389 U.S. 985, 98 S. Ct. 470, 19 L. Ed. 2d 479 (1967).

**§ 14. Lands to be selected under direction of secretary of interior; deductions.**

All lands granted in quantity or as indemnity by this act shall be selected, under the direction of the secretary of the interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the state entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said state the number acres heretofore donated by congress to said territory for similar objects.